# UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE (For Revocation of Probation or Supervised Release) (For Offenses Committed On or After November 1, 1987)

William Von Cunningham

Case Number: 3:00CR24

USM Number:

James Gronquist
Defendant's Attorney

FILED CHARLOTTE, N. C.

JAN 1 0 2006

#### THE DEFENDANT:

admitted guilt to violation of condition(s) of the term of supervision.
 Was found in violation of condition(s) count(s) \_\_\_\_\_ After denial of guilt.

U. S. DISTRICT COURT W. DIST. OF N. C.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following violations(s):

Violation Number	Nature of Violation	Date Violation Concluded
1	Drug/Alcohol Use	September 28, 2005
2	Failure to Comply with Drug Testing/Treatment Requirements	October 16, 2005
3	Failure to Submit Monthly Supervision Reports	October 5, 2005
4	Failure to make Required Court payments	October 5, 2005
5	Failure to Report to Probation Officer as Instructed	August 17, 2005
6	Other	October 6, 2005

The Defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, <u>United States v. Booker</u>, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

\_\_\_ The Defendant has not violated condition(s) \_\_\_\_ And is discharged as such to such violation(s) condition.

IT IS ORDERED that the Defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: December 21, 2005

Signature of Judicial Officer

Graham C. Mullen United States, Senior Judge

Date: 6 m.06

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## **IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of <u>TIME SERVED</u>.

	The Court makes the following recomme	endations to the Bureau of Prisons:	
<u>X</u>	The Defendant is remanded to the custody of the United States Marshal.		
	The Defendant shall surrender to the Un	ited States Marshal for this District:	
	As notified by the United	l States Marshal.	
	Ata.m. / p.m. on	<u>-</u>	
_	The Defendant shall surrender for service	e of sentence at the institution designated by the Bureau of Prisons:	
	As notified by the United	d States Marshal.	
	Before 2 p.m. on		
	As notified by the Proba	tion Office.	
		RETURN	
	I have executed this Judgment as follow	s:	
	· · · · · · · · · · · · · · · · · · ·		
		14) - 37 & 44 (47)	
	Defendant delivered onto	at at	
		, with a certified copy of this Judgment.	
		United States Marshal	
		Chiles States Maistral	
	Ву:	Deputy Marshal	

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#### **CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$100.00	\$0.00	\$600.00 ***Total outstanding balance of Restitution due and remains in effect***

## **FINE**

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

<u>X</u>	The court has determined that the defendant does not have the ability to pay interest and it is ordered that:
<u>X</u>	The interest requirement is waived.
<del>_</del>	The interest requirement is modified as follows:
	COURT APPOINTED COUNSEL FEES
	The defendant shall pay court appointed counsel fees.
<del></del>	The defendant shall pay \$ Towards court appointed fees.

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## **RESTITUTION PAYEES**

The defendant shall make restitution to the following payees in the amounts listed below:

<u>ORDERED</u>

- The defendant is jointly and severally liable with co-defendants for the total amount of restitution.
- Any payment not in full shall be divided proportionately among victims.

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#### **SCHEDULE OF PAYMENTS**

Having a	ssesse	d the de	fendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:
A	4	<u>X</u>	Lump sum payment of \$ 100.00 due immediately, balance due
		<del></del>	Not later than , or In accordance (C), (D) below; or
E	3	_	Payment to begin immediately (may be combined with (C), (D) below); or
C		_	Payment in equal (E.g. weekly, monthly, quarterly) installments of \$ To commence (E.g. 30 or 60 days) after the date of this judgment; or
E	)	_	Payment in equal (E.g. weekly, monthly, quarterly) installments of \$ To commence (E.g. 30 or 60 days) after release from imprisonment to a term of supervision. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. Probation Officer shall pursue collection of the amount due, and may request the court to establish or modify a payment schedule if appropriate 18 U.S.C. § 3572.
	Γhe def Γhe def	endant s	arding the payment of criminal monetary penalties: shall pay the cost of prosecution. shall pay the following court costs: shall forfeit the defendant's interest in the following property to the United States:
imprisonı monetary Charlotte	ment pa penal NC 2	ayment o ty paymo 8202, ex	pressly ordered otherwise in the special instructions above, if this judgment imposes a period of of criminal monetary penalties shall be due during the period of imprisonment. All criminal ents are to be made to the United States District Court Clerk, 401 West Trade Street, Room 210, coept those payments made through the Bureau of Prisons' Inmate Financial Responsibility conetary penalty payments are to be made as directed by the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.